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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 45.172 XIANG	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/07394	International filing date (day/month/year) 09.07.2003	Priority date (day/month/year) 10.07.2002
International Patent Classification (IPC) or both national classification and IPC F24F1/02		
Applicant XIANG SRL et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none">I <input checked="" type="checkbox"/> Basis of the opinionII <input type="checkbox"/> PriorityIII <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicabilityIV <input type="checkbox"/> Lack of unity of inventionV <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statementVI <input type="checkbox"/> Certain documents citedVII <input type="checkbox"/> Certain defects in the international applicationVIII <input type="checkbox"/> Certain observations on the international application		
Date of submission of the demand 09.02.2004	Date of completion of this report 22.10.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Valenza, D Telephone No. +49 89 2399-7160 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/07394

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-8 received on 05.10.2004 with letter of 04.10.2004

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
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International application No. **PCT/EP 03/07394**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,3,5,6
	No: Claims	1,4,7,8
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The amendments filed with the letter dated 04.10.2004 fulfill the requirements of Article 34(2)(b).

Reference is made to the following documents:

- D1:** FR-A-2 349 105 (RIELLO CONDIZIONATORI GIORDANO) 18 November 1977 (1977-11-18)
- D2:** PATENT ABSTRACTS OF JAPAN vol. 011, no. 050 (M-562), 17 February 1987 (1987-02-17) -& JP 61 213529 A (MATSUSHITA SEIKO CO LTD), 22 September 1986 (1986-09-22)
- D3:** US-A-3 279 209 (NIKOLAUS LAING) 18 October 1966 (1966-10-18)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1** is not new in the sense of Article 33(2) PCT.
2. The document **D1** discloses (the references in parentheses applying to this document):
 - 2.1. an embloc air conditioner comprising:
 - a condenser unit (38) crossed by a flow of air external to the room to be conditioned between at least an inlet (22) and at least an outlet (20);
 - an evaporator unit (36) crossed by a flow of air internal to the room to be conditioned between at least an intake (16) and at least a delivery way (18), wherein;
 - said condenser unit (38) and evaporator unit (36) are arranged in a single container (10), in said container (10) a first part (26) is defined wherein said evaporator unit (36) is arranged and a second part (28) in which said condenser unit (38) is arranged, said parts (26, 28) are aligned one behind the other (see figure 3) according to an axis parallel to the direction of the inlet (22) and outlet (20) of said external air flow, said inlet (22) and outlet (20) being placed in a substantially horizontal plane and said inlet (22) and outlet (20) consisting of two holes (cf. D2, page 5, line 34 - page 6, line 19 and figure 4).

- 2.2. The feature "only said first part (13a) of said container (13) in which said evaporator unit (5) is arranged, projecting inside said room (A) to be conditioned", disclosed in newly filed **claim 1**, is not a technical features of the air conditioner, but is the result of one of the possible installation or positioning configurations of the air conditioner with respect to the conditioned room.
- 2.3. The combination of the technical features of **claim 1** is entirely disclosed in **D1**, and therefore **claim 1** is not new in the sense of Article 33(2) PCT.
3. Dependent **claims 2-8** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:
- 3.2. The additional feature of **claim 2** is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to simplify de design of the container of the air conditioner.
- 3.3. The features of **claim 3** have already been employed for the same purpose in a similar air conditioner, see document **D2**, figure 3. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to an air conditioner according to document **D1**, thereby arriving at an air conditioner according to **claim 3**.
- 3.4. The additional features of **claim 4** are disclosed in document **D1**, figure 1 and 2.
- 3.5. The additional features of **claims 5 and 6** are merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to optimize the air distribution in the room (see for example document **D3**).
- 3.6. The additional features of **claim 7 and 8** are disclosed in document **D1**, figure 3.
4. The subject-matter according to any of **claims 1 to 8** appear to be industrially applicable (Art. 33(4) PCT).

CLAIMS

1) An enbloc air conditioner (1) comprising:

- a condenser unit (2) crossed by a flow of air external to the room to be conditioned A between at least an inlet (3) and at least an outlet (4);
- 5 - an evaporator unit (5) crossed by a flow of air internal to the room to be conditioned A between at least an intake (6a, 6b) and at least a delivery way (7),

characterized in that said condenser unit (2) and said evaporator unit (5) are arranged in a single container 13, in said container (13) a first part (13a) is defined wherein said evaporator unit (2) is arranged and a second part (13b) in which said condenser unit (5) is arranged, only said first part (13a) of said container (13) in which said evaporator unit (5) is arranged, projecting inside said room (A) to be conditioned, said parts (13a, 13b) are aligned one behind the other according to an axis (x) parallel to the direction of the inlet (Xi) and the outlet (Xu) of said external air flow, through said at least one inlet (3) and one outlet (4) of said condenser unit (2), said inlet (Xi) and said outlet (Xu) being placed in a substantially horizontal plane and said inlet (3) and outlet (4) consisting of two holes.

2) The enbloc air conditioner (1) according to claim 1) characterized in that said holes are substantially circular having a big diameter, preferably not lower than 160 mm.

3) The enbloc air conditioner (1) according to claim 1) characterized in that said second part (13b) of said container (13) in which said condenser unit (2) is arranged, is built-in in a wall (W) of said room (A) to be conditioned.

4) The enbloc air conditioner (1) according to claim 1) characterized in that said container (13) is arranged on the windowsill (D) of a window (F) and has said second part (13b) projecting outside relative to the descent plane of the rolling shutter (P) closing said window (F).

5) The enbloc air conditioner (1) according to claim 1) characterized in that said at least one intake of said evaporator unit (5) comprise a first vertical intake (6a) and a second inclined intake (6b) pointing upwards.

6) The enbloc air conditioner (1) according to claim 1) characterized in that said evaporator unit (5) is provided with an inclined air

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delivery opening (7) pointing downwards.

~~7~~ 8) The enbloc air conditioner (1) according to claim 1) characterized in that said condenser unit (2) comprises at least a refrigerant compressor (8), at least a condenser bank (10) and at least a fan (9) arranged upstream said condenser bank (10).

8 9) The enbloc air conditioner (1) according to claim 1) characterized in that said evaporator unit (5) comprises at least an evaporator bank (12) and at least a fan (11) arranged upstream said evaporator bank.

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